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Attorneys for Defendant United Parcel Service, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CLIVE DENNIS,

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC. and
LOCAL 804, I.B.T. UNION,

Defendants.
----- X

Index No. 07-Civ-9754 (HB)

AFFIDAVIT OF
EVANDRO C. GIGANTE, ESQ.
IN SUPPORT OF MOTION FOR
JUDGMENT ON THE
PLEADINGS

STATE OF NEW YORK)

: ss.

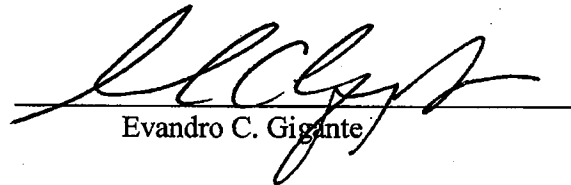
COUNTY OF NEW YORK)

EVANDRO C. GIGANTE, Esq., being duly sworn, deposes and says:

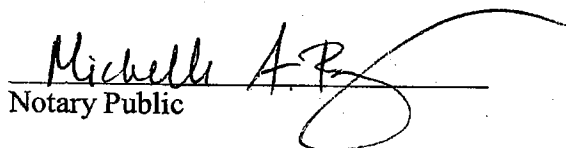
1. I am an attorney duly admitted to practice in the State of New York and am an attorney with the law firm of Akin Gump Strauss Hauer & Feld, L.L.P., counsel for defendant United Parcel Service, Inc. ("UPS"). I submit this affidavit in support of UPS's Motion for Judgment on the Pleadings dismissing the Complaint filed by Plaintiff Clive Dennis pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint which was filed by Plaintiff with this Court on November 2, 2007.

3. Attached hereto as Exhibit B is a true and correct copy of the Answer of Defendant United Parcel Service, Inc., including the attachments thereto, filed and served on January 16, 2008.


Evandro C. Gigante

Sworn to and subscribed before
me this 29th day of March, 2008


Notary Public

MICHELLE A. BURG
NOTARY PUBLIC, State of New York
No. 02BU6085278
Qualified in New York County
Commission Expires Dec. 23, 2008, 2010